



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.14738 of 2020

and

W.M.P. (MD)No.12395 of 2020

WEB COPY

N.Thangavel

... Petitioner

-vs-

1.The Sub Registrar,
Ottanchathiram,
Dindigul District.

2.M.Nallathambi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the impugned order in RFL/Ottanchathiram/15/2020 dated 06.10.2020 on the file of the first respondent and quash the same and further directing the first respondent to receive and register the document dated 06.10.2020 executed by the petitioner relating to the plot No.32 in the approved layout No.844/89 in S.No.230/1A1A situated in Palani Taluk, Dindigul District.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondent 1	: Mr.K.Sathiya Singh Additional Government Pleader
For Respondent 2	: Mr.K.Jeyamohan

ORDER

The petitioner has come forward with the present Writ Petition seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the impugned order in RFL/Ottanchathiram/15/2020 dated 06.10.2020 on the file of the first respondent and quash the same and further directing the first respondent to receive and register the document dated 06.10.2020 executed by the petitioner relating to plot No.32 in the approved layout No.844/89 in S.No.230/1A1A situated in Palani Taluk, Dindigul District.

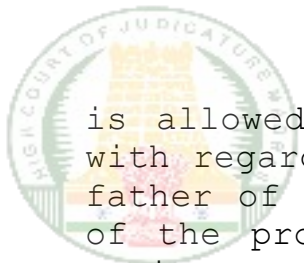
2.Heard the learned Counsel appearing for the petitioner, Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the first respondent and Mr.K.Jeyamohan, learned Counsel appearing for the second respondent.



3.The learned Counsel appearing for the petitioner would submit that the property bearing S.No.230/1A1A, 1A1B, 2A1, 2B1 and 133/1A measuring to an extent of 1.41.64 hectares situated in Ottanchathiram Village, Dindigul District is a Hindu joint family property belonged to the petitioner's father viz., M.Nallathambi, the petitioner and his two brothers. In the year 1989, the petitioner's father, as the Kartha of the family, divided the said property as residential plots and got approval from the Director of Town and Country Planning by proceedings dated 20.07.1989. The plots were divided verbally among them and the petitioner was allotted with Plots bearing No.1, 15, 22, 25, 32, 36, 41, 43, 49, 54 and 58. The petitioner and the co-sharers including his father had sold almost 45 plots of their share and the same was registered by the first respondent without any objection. The petitioner has only two plots remaining in his possession viz., Plot Nos.32 and 36. When the petitioner entered into an agreement with his wife to sell the remaining plot bearing No.32 and presented the same for registration before the first respondent on 06.10.2020, the said document was rejected by the impugned proceedings of the first respondent. Challenging the same, the petitioner is before this Court.

4.The request of the petitioner has been rejected on the ground that the petitioner has no title to the petitioner. Admittedly, the petitioner's father M.Nallathambi, who is the second respondent herein, had title to the property and he has settled the property in favour of his children including the petitioner by verbal partition. The second respondent father is vouching the contention of the petitioner and he has no objection for the petitioner in dealing with the property that has been vested on the petitioner by means of verbal partition. Therefore, unless otherwise any third party questioning the same, the official respondents need not have any objection. Though the rejection made by the first respondent cannot be doubted, as it is his duty to scrutinize the original records and thereafter register the document. In the present case on hand, the father of the petitioner viz., the second respondent herein has no objection and he is willing to be a signatory to the document as witness so that no other person could have claimed right over the property. That apart, almost all the plots settled in favour of the petitioner, by means of verbal partition, have already been sold except the two plots viz., Plot No.32 and 36, there cannot be any impediment for the first respondent to register the two plots when the second respondent is also going to be signatory to the document as witness, according to him, who has valid title to the property.

5.In view of the above, the impugned proceedings of the first respondent, dated 06.10.2020, is set aside and the Writ Petition



is allowed. However, if the first respondent has got any doubt with regard to the title to the property in question, more so, the father of the petitioner viz., the second respondent is the owner of the property or not, he can verify the records from the Sub Registrar Office where it has got registered, as the Sub Registrar Offices have been bifurcated in several parts of the State. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

SRM

To

The Sub Registrar,
Ottanchathiram,
Dindigul District.

+1 cc to Mr.G.Prabhu Rajadurai , Advocate SR.No.24726

+1 cc to The Special Government Pleader Sr.No.24600

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